

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alexander Schiavo	Team: Team # 4	CCRB Case #: 201400782	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 01/26/2014 5:10 PM, Tuesday, 02/04/2014	Location of Incident: § 87(2)(b)	Precinct: 69	18 Mo. SOL 7/26/2015	EO SOL 7/26/2015	
Date/Time CV Reported Sun, 01/26/2014 6:17 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/27/2014 10:39 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Matthew Mauro	13615	949284	069 PCT
2. DT3 Craig Baco	1562	932286	WARRSEC
3. POM Robert Orlando	11481	942293	069 PCT
4. DT3 Mackenson Nelson	5484	944279	WARRSEC
5. POM Efrain Gonzalez	01957	931692	WARRSEC
6. SGT Kevin Devine	00509	925191	069 PCT
7. POM Nicklas Yardan	25155	946577	069 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Sean Campbell	01442	932406	WARRSEC
2. POM David Ramos	12596	949527	069 PCT
3. POM Steven Goldin	06323	949039	069 PCT
4. POM Anthony Jelcic	14259	950634	069 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Robert Orlando	Abuse: On January 26, 2014, PO Robert Orlando stopped § 87(2)(b)	
B.POM Matthew Mauro	Abuse: On January 26, 2014, PO Matthew Mauro stopped § 87(2)(b)	
C.POM Robert Orlando	Abuse: On January 26, 2014, PO Robert Orlando frisked § 87(2)(b)	
D.POM Robert Orlando	Abuse: On January 26, 2014, PO Robert Orlando searched § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
E.POM Matthew Mauro	Abuse: On January 26, 2014, PO Matthew Mauro searched the car in which § 87(2)(b) was an occupant.	
F.POM Robert Orlando	Force: On January 26, 2014, PO Robert Orlando used a chokehold against § 87(2)(b)	
G.POM Robert Orlando	Force: On January 26, 2014, PO Robert Orlando used physical force against § 87(2)(b)	
H.POM Matthew Mauro	Force: On January 26, 2014, PO Matthew Mauro used physical force against § 87(2)(b) and § 87(2)(b)	
I.POM Robert Orlando	Abuse: On January 26, 2014, PO Robert Orlando threatened § 87(2)(b) with the use of force.	
J.SGT Kevin Devine	Abuse: On January 26, 2014, Sgt. Kevin Devine authorized the entry and search of § 87(2)(b) in Brooklyn.	
K.DT3 Craig Baco	Abuse: On February 4, 2014, Det. Craig Baco entered and searched § 87(2)(b) in Brooklyn.	
L.DT3 Mackenson Nelson	Abuse: On February 4, 2014, Det. Mackenson Nelson entered and searched § 87(2)(b) in Brooklyn.	
M.POM Efrain Gonzalez	Abuse: On February 4, 2014, PO Efrain Gonzalez entered and searched § 87(2)(b) in Brooklyn.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On January 26, 2014, § 87(2)(b) filed this complaint via telephone with IAB, generating log #14-3418 (encl. 15-16). On January 27, 2014, § 87(2)(b) filed the complaint with the CCRB via phone on behalf of himself and his parents, § 87(2)(b) and § 87(2)(b) (encl. 20-23). On January 26, 2014, at 5:10 p.m., PO Robert Orlando and PO Matthew Mauro of the 69th Precinct attempted to arrest § 87(2)(b) in front of his home, located at § 87(2)(b) in Brooklyn. § 87(2)(b) escaped, and on February 4, 2014, Det. Craig Baco, Det. Mackenson Nelson, and PO Efrain Gonzalez of the Warrant Section came to § 87(2)(b) in an attempt to locate § 87(2)(b). The following allegations resulted:

- **Allegation A – Abuse of Authority:** On January 26, 2014, PO Robert Orlando stopped § 87(2)(b).
- **Allegation B – Abuse of Authority:** On January 26, 2014, PO Matthew Mauro stopped § 87(2)(b).
- **Allegation C – Abuse of Authority:** On January 26, 2014, PO Robert Orlando frisked § 87(2)(b).
- **Allegation D – Abuse of Authority:** On January 26, 2014, PO Robert Orlando searched § 87(2)(b) § 87(2)(g).
- **Allegation E – Abuse of Authority:** On January 26, 2014, PO Matthew Mauro searched the car in which § 87(2)(b) was an occupant. § 87(2)(g).
- **Allegation F – Force:** On January 26, 2014, PO Robert Orlando used a chokehold against § 87(2)(b).
- **Allegation G – Force:** On January 26, 2014, PO Robert Orlando used physical force against § 87(2)(b).
- **Allegation H – Force:** On January 26, 2014, PO Matthew Mauro used physical force against § 87(2)(b) and § 87(2)(b) § 87(2)(g).
- **Allegation I – Abuse of Authority:** On January 26, 2014, PO Robert Orlando threatened § 87(2)(b) with the use of force. § 87(2)(g).
- **Allegation J – Abuse of Authority:** On January 26, 2014, Sgt. Kevin Devine authorized the entry and search of § 87(2)(b) in Brooklyn. § 87(2)(g).
- **Allegation K – Abuse of Authority:** On February 4, 2014, Det. Craig Baco entered and searched § 87(2)(b) in Brooklyn.
- **Allegation L – Abuse of Authority:** On February 4, 2014, Det. Mackenson Nelson entered and searched § 87(2)(b) in Brooklyn.
- **Allegation M – Abuse of Authority:** On February 4, 2014, PO Efrain Gonzalez entered and searched § 87(2)(b) in Brooklyn. § 87(2)(g).

- § 87(2)(g)
 - § 87(4-b) § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b), is a § 87(2)(b)-old black male who is 5'9" tall, weighs 181 pounds, and has black hair and brown eyes.

Statement to IAB

When § 87(2)(b) filed his complaint, he stated that he was in front of his home when two officers accused him of smoking marijuana. They “beat” him, causing a bump on his forehead, scratches on his back, pain to his arm, and bleeding from his mouth (encl. 15-16).

Statements to Medical Personnel

On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) for treatment. He complained of pain to his jaw, headache/lightheadedness, a left knee contusion, swelling to his lips, an abrasion to the right side of his back, an abrasion to the left side of his forehead, and a lump to his left parietal. § 87(2)(b) alleged that he was punched about the face and head by police officers. He also stated that he was kicked several times and his head was struck against the hood of his car.

On § 87(2)(b), § 87(2)(b) returned to § 87(2)(b). He complained of a worsened headache (see medical records folder).

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on February 4, 2014 (encl. 24-29). On January 26, 2014, at 5:10 p.m., § 87(2)(b) was in the driver’s seat of his blue Ford Escape, which was parked in the driveway of his home, located at § 87(2)(b) which is a three-story edifice. The door to the vehicle was closed. Facing the front of the house, moving to the right, there is a gate separating the driveway from the street, a small door directly in front of an exterior staircase on the house, and another gate directly in front of a walkway leading to the side entrance of the house.

The gate in front of the driveway was closed. There is no front door to § 87(2)(b). The house which is attached to § 87(2)(b) has an adjacent driveway without a gate. There is a brick divider which is a few inches off the ground and separates the driveways. There was an odor of marijuana on the block because people in buildings further west on § 87(2)(b) had been smoking marijuana outside.

§ 87(2)(b) lives in one of the apartments on the § 87(2)(b) floor with his parents § 87(2)(b) and § 87(2)(b) his sister § 87(2)(b) and friends § 87(2)(b) and § 87(2)(b) whose last

name he did not know and who was identified via the investigation as § 87(2)(b). There are two tenants who live in a back apartment on the first floor: § 87(2)(b) whose last name § 87(2)(b) did not know and was identified via the investigation as § 87(2)(b) and § 87(2)(b)'s husband § 87(2)(b) (last name unknown).

§ 87(2)(b) was cleaning up trash from his vehicle with a garbage bag. He was about to leave to teach a piano lesson. § 87(2)(b) had a rectangular five-inch by two-inch metronome and 18 single dollar bills in his left pants pocket, a set of about 10 keys (including two car keys) on three or four rings in his right pants pocket, a wallet in his back left pants pocket, a stick of Blistex in the right exterior pocket of his coat, and a Blackberry phone in the left interior pocket of his coat.

As § 87(2)(b) cleaned his vehicle, two uniformed officers approached on foot. § 87(2)(b) identified one of the officers as PO "Monroe" from his nameplate and described him as a white male in his early 30s who was 6'0" tall and had an average build. The investigation identified this officer as PO Robert Orlando of the 69th Precinct. § 87(2)(b) described the second officer as a white male in his early 30s who was 5'7"-5'8" tall, had a heavy build, and was bald. This officer was identified via the investigation as PO Matthew Mauro of the 69th Precinct.

PO Mauro knocked on the window and asked § 87(2)(b) to exit the vehicle. § 87(2)(b) exited the vehicle. PO Orlando took § 87(2)(b) to the rear of his vehicle, frisked the outside of his clothing, and then placed his hands into § 87(2)(b)'s pants and coat (interior and exterior) pockets. For five to ten minutes, PO Mauro searched § 87(2)(b)'s vehicle. § 87(2)(b) was facing away from the vehicle, so he was unable to tell the specific areas that PO Mauro searched, but he noticed that PO Mauro went into the front and back seats.

After the search, § 87(2)(b) told PO Mauro that he lived at the location and presented his state identification, which confirmed that it was his home. PO Mauro took the identification and never returned it to § 87(2)(b). § 87(2)(b) asked the officers to leave since there had been no 911 call and he needed to teach a piano lesson. PO Mauro stated that he smelled marijuana. § 87(2)(b) replied that the officers had not found any marijuana and asked them to please leave. He also stated that the searches were illegal.

PO Orlando said, "Are you being a smartass?" § 87(2)(b) said no, and less than a second later, PO Orlando grabbed § 87(2)(b) by the front of the throat and pushed his head backwards, causing his upper back and neck to hit the back windshield of § 87(2)(b)'s vehicle. § 87(2)(b) said, "Officer, what are you doing? Please, this is really unnecessary." Immediately thereafter, PO Orlando punched § 87(2)(b) on the left side of his upper lip, causing it to bleed.

§ 87(2)(b) screamed for PO Orlando to stop and yelled for help. PO Mauro picked up § 87(2)(b) by the back of his coat and body slammed him against his vehicle, causing his face to hit the car. PO Mauro and PO Orlando then pushed § 87(2)(b) against the exterior of the house and pinned his face against the window. PO Mauro pushed § 87(2)(b) to the ground, causing him to land on his right knee and then his right side. § 87(2)(b) sustained abrasions to his ribcage as a result.

§ 87(2)(b) remained on the ground for about 20-40 seconds. He heard § 87(2)(b) and § 87(2)(b) come outside. They yelled for the officers to stop, and § 87(2)(b) stood on the passenger side of the vehicle and "tapped on" the officers. § 87(2)(b) placed his hands behind his back, at which point PO Orlando punched him in the jaw. § 87(2)(b) moved his hands to the front of his face to block any additional blows. Both officers punched § 87(2)(b) in the right side of his jaw a total of 10-11 times. § 87(2)(b) was not fighting with the officers in any way.

§ 87(2)(b) witnessed PO Orlando shove § 87(2)(b) against the exterior staircase, but she did not fall down. § 87(2)(b) later learned that § 87(2)(b) and § 87(2)(b) were arrested, but he did not witness them being handcuffed. PO Mauro also shoved § 87(2)(b) but she did not fall down. § 87(2)(b) could not provide any further details about the shoves. § 87(2)(b) was bleeding from his lip and started to feel like he would lose consciousness.

PO Orlando slipped on a patch of ice in the driveway. At that point, § 87(2)(b) held his

arms straight out in front of his body with his hands together to indicate that he was surrendering. PO Orlando said to § 87(2)(b) “I’m gonna kill you,” and then punched him in the chin. § 87(2)(b) said, “Just lock me up, man. I’m surrendering.” In fear for his life, § 87(2)(b) fled around the exterior staircase and around to the side entrance of the house.

PO Orlando and PO Mauro gave chase and yelled, “Get him!” § 87(2)(b) locked the door behind him, and § 87(2)(b) who works in the medical field, told him to go into her apartment. § 87(2)(b) went into her bathroom to look at his face in the mirror and called 911. An ambulance responded, but § 87(2)(b) later learned from his family members that officers outside the house told the ambulance to leave. § 87(2)(b) called § 87(2)(b) who came to the house.

About 20 minutes after § 87(2)(b) had run into the house, § 87(2)(b) returned home and drove him to § 87(2)(b). By that point, the officers had left the scene. § 87(2)(b) was suffering from pain to the inside of his right elbow, right shoulder, back, neck, and ribs, his right knee was swollen, and he had abrasions on his right palm. Medical personnel took a CT scan of his jaw and an X-ray of his ribs. § 87(2)(b) did not suffer any broken bones. § 87(2)(b) was unable to chew food due to jaw pain. Medical personnel administered a numbing agent to his jaw and gave him painkillers.

§ 87(2)(b) later learned from § 87(2)(b) that while he was at the hospital, officers forcibly entered his family’s apartment as well as the back apartment where § 87(2)(b) and her husband live. § 87(2)(b)’s family informed him that officers from the Warrant Squad came to the residence on February 4, 2014, looking for him in order to arrest him.

Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b), is a § 87(2)(b)-old black female who is 5’5” tall, weighs 290 pounds, and has black hair and black eyes.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on February 4, 2014 (encl. 37-41). On January 26, 2014, she was inside of her home when § 87(2)(b) told her that there were two officers outside the house “beating” § 87(2)(b). § 87(2)(b)’s daughter § 87(2)(b) went outside and yelled at the officers not to shoot § 87(2)(b)’s dog, which was outside. § 87(2)(b) went outside the house and observed two uniformed white male officers. § 87(2)(b) was unable to give detailed descriptions of either officer, but noted that they were both heavier and taller than § 87(2)(b). She later identified her arresting officer via her arrest paperwork as PO Matthew Mauro.

PO Mauro grabbed § 87(2)(b) from the back of his head and repeatedly slammed § 87(2)(b)’s face against the front of § 87(2)(b)’s car, which was parked in the driveway. § 87(2)(b) and the officers were in a standing position. § 87(2)(b) did not remember the exact number of times PO Mauro slammed § 87(2)(b)’s face. § 87(2)(b) was attempting to break free from the officers’ grip and run away.

§ 87(2)(b) screamed for the officers to let him go. She grabbed onto PO Mauro’s shirt and asked what § 87(2)(b) had done. PO Mauro told § 87(2)(b) that he smelled marijuana in the area. A lot of people from the neighborhood came to the location and observed what happened. § 87(2)(b) did not know any of the witnesses personally. The officers called for backup, and they both slipped and fell in the driveway.

At that point, § 87(2)(b) managed to escape inside of the house. Because § 87(2)(b) feared that the officers would harm § 87(2)(b), she stood in their path and blocked them by refusing to move out of their way. An officer whom § 87(2)(b) could not see struck her once in the head from behind and twice in the upper back. She did not fall down as a result. § 87(2)(b) did not know whether the strikes were with closed fists or open hands. Prior to these strikes,

neither officer had said anything to § 87(2)(b) or issued her any instructions.

The officers ran into the backyard and looked for § 87(2)(b) but did not find him. A large number of officers responded and ran into the backyard as well. At that point, they told § 87(2)(b) that she was under arrest, and PO Mauro handcuffed her. § 87(2)(b) approached and told the officers not to handcuff § 87(2)(b). At that point, § 87(2)(b) was arrested as well. They were charged with § 87(2)(b). The cases were adjourned in contemplation of dismissal.

On February 4, 2014, at approximately 7:30 a.m., five to six officers wearing plainclothes knocked on the door to the § 87(2)(b) home. § 87(2)(b) and § 87(2)(b) were also present. § 87(2)(b) opened the door, and the officers immediately forced their way into the apartment. The officers said they wanted to search for § 87(2)(b). They searched all of the rooms in the apartment and then left, but § 87(2)(b) was unable to describe the search in any further detail when asked to do so.

Victim: § 87(2)(b)

- § 87(2)(b) a § 87(2)(b), is a § 87(2)(b)-old black male who is 5'9" tall, weighs 201 pounds, and has black hair and black eyes.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on February 4, 2014 (encl. 30-36). On January 26, 2014, he had just finished working when he received a call from § 87(2)(b) to inform him that police officers had beaten his son outside of his home, and that § 87(2)(b) and § 87(2)(b) had been arrested. § 87(2)(b) rushed to his home and arrived between 5:40 p.m. and 6:00 p.m. He saw a lot of police cars parked on the block. § 87(2)(b) was inside of the home. Approximately 11 officers were standing in front of the house and walking back and forth down the alley to the side of the house.

§ 87(2)(b) walked directly into his house, and no officer said anything to him. § 87(2)(b) informed § 87(2)(b) that he had heard a scuffle between police officers and § 87(2)(b) outside the home. About 10 minutes later, § 87(2)(b) heard a knock at the door. He immediately left his apartment and closed the door behind him. § 87(2)(b) was confronted by PO1, whom § 87(2)(b) identified as PO "Matthew" and described as a uniformed white male in his 30s who was over 6'0" tall, had a medium build, short black hair, and did not wear glasses, and PO2, who was described as a 27-year-old uniformed white male who was 5'0" tall, had a medium build, short black hair. § 87(2)(b) learned the name of § 87(2)(b)'s arresting officer later and attributed his first name, Matthew, to PO1. The investigation determined that PO Mauro, PO Orlando, Sgt. Kevin Devine, and PO Nicklas Yardan were present at this point, but it was unclear from § 87(2)(b)'s descriptions which officer was which.

PO1 asked where § 87(2)(b) was, and § 87(2)(b) said he had just arrived home and did not know. PO1 and PO2 told § 87(2)(b) three to four times to open the house door, but § 87(2)(b) refused. The officers told § 87(2)(b) that he must open the door so that the officers could search the house. § 87(2)(b) replied that he had to go to the stationhouse to check on his wife and daughter. PO1 said that he must stay and open the house door.

§ 87(2)(b) opened the door to the house and tried to close it behind him, but the 11 officers forced their way into the house. Once inside the house, there are three steps. After the three steps, there is a door that opens into the kitchen. There are bedrooms up a flight of stairs. All 11 officers entered the kitchen. PO1 said that if § 87(2)(b) did not give up § 87(2)(b) and § 87(2)(b) would end up in jail. § 87(2)(b) repeated that he did not know § 87(2)(b)'s whereabouts.

PO3 and PO4 ascended a flight of stairs to the bedrooms, while seven others, including

PO1 and PO2, remained with § 87(2)(b) in the kitchen. PO3 was described as a white male in his 30s who was 5'10"-6'0", had a muscular build, and short black hair. PO4 was described as a white male in his early 30s who was 5'4"-5'6" tall, had a muscular build, and had short black hair. Neither PO3 nor PO4 had facial hair or glasses.

PO3 and PO4 then went downstairs and breached the door to a back apartment where § 87(2)(b) lives. § 87(2)(b) screamed, "Why did you break the door? Don't come in here!" She told the officers that § 87(2)(b) was not there. § 87(2)(b) did not see the officer breach the door, but heard the sound of the door breaking. PO3 and PO4 searched § 87(2)(b)'s apartment as well as the basement of the building. § 87(2)(b) did not witness the search.

§ 87(2)(b) asked if PO Matthew had an arrest warrant, and PO Matthew refused to answer. § 87(2)(b) told the officers that they had no right to be in the apartment. PO5, described as a uniformed white male in his late 30s or early 40s who was 6'0", had a muscular build, and had salt and pepper hair, took § 87(2)(b) into the living room and told him that he would not have any problems if he just gave up his son. PO5 returned to the kitchen and told the other officers that § 87(2)(b) had just returned from work. At that point, the officers left.

On February 4, 2014, at approximately 7:30 a.m., § 87(2)(b) was asleep inside of his bedroom when he heard a knock at his door. He stood up, at which point a 5'9" tall black male who had a thin build and wore plainclothes, who was identified by the investigation as Det. Mackenson Nelson of the Warrant Section, entered the bedroom. Det. Nelson stated that the officers were looking for § 87(2)(b). § 87(2)(b) said that § 87(2)(b) was not there. The detectives went into all three bedrooms and looked for § 87(2)(b) in the closets.

§ 87(2)(b) asked an officer, who was described as a white or Hispanic male wearing plainclothes and identified himself as Det. Craig Baco of the Warrant Section, and Det. Nelson, if they had a warrant. Det. Baco replied that § 87(2)(b) had invited them into the house. § 87(2)(b) later informed § 87(2)(b) that he had opened the door and that there were about five officers from the Warrant Section at the door. The officers immediately entered without saying anything or asking permission to do so. § 87(2)(b) asked for a contact number, and Det. Baco gave § 87(2)(b) his business card.

Witness: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) is a § 87(2)(b)-old black female who is 5'3" tall, weighs 150 pounds, and has black hair and brown eyes.

Photos

§ 87(2)(b) provided photographs of Det. Baco, Det. Nelson, and PO Gonzalez standing inside the kitchen of § 87(2)(b) with the door leading outside opened. She also provided photos of the officers standing outside of the house in a snow-covered driveway (encl. 46-53).

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on February 4, 2014 (encl. 43-56). On January 26, 2014, she was sleeping in her house when she heard § 87(2)(b) outside yelling, "Paws, please," referring to the family dog. § 87(2)(b) was not clothed, so she yelled to her mother, § 87(2)(b) that there was something wrong with the dog and that § 87(2)(b) was crying. § 87(2)(b) put on a T-shirt and boots and went outside of her house. She did not see anyone in the backyard, but heard § 87(2)(b) crying, so she walked around to the front.

There were two uniformed officers outside the house struggling with § 87(2)(b). A white male officer who was 6'0" tall and had a medium build, identified by the CCRB as PO Orlando, used the base of his hand to slam the left side of § 87(2)(b)'s head about four times against the rear

windshield of § 87(2)(b)'s vehicle. § 87(2)(b) was able to hear the sound of § 87(2)(b)'s head making contact with the vehicle. PO Orlando's partner, identified by the CCRB as PO Mauro, was described as a white male who was considerably shorter than PO Orlando and had a bald head. PO Mauro held on to § 87(2)(b)'s shoulders.

§ 87(2)(b)'s hands were behind his body and he was crying, "Please, officer. Stop. Don't do this." § 87(2)(b) noticed that § 87(2)(b)'s head was turning red, but did not see any other injuries. The officers continually slipped on ice in the driveway, but neither actually fell. At one point while they were slipping, § 87(2)(b) disappeared. § 87(2)(b) did not know where he went.

PO Orlando called for backup over his radio, and about 30 officers responded. § 87(2)(b) stood in the narrow walkway leading to the side entrance to the first floor of the house in order to block the officers' path to the backyard. About 15 officers surrounded § 87(2)(b). PO Orlando and PO Mauro pushed her in the head in an attempt to gain access to the backyard. § 87(2)(b) held on to § 87(2)(b) because § 87(2)(b) is disabled. She cried and told the officers to get off of § 87(2)(b). § 87(2)(b) cried and asked the officers why they were trying to arrest § 87(2)(b).

PO Orlando said, "I don't give a fuck. Fuck that shit. Shut the fuck up." § 87(2)(b) went into her home to retrieve her iPad in order to record the incident. When she returned, she observed a large number of officers in the backyard. The officers were arresting § 87(2)(b). § 87(2)(b) cried and said, "Why are you on my mother? Get off of her." She did not do anything physically with her body or use profanity. Before § 87(2)(b) could start to record, she was arrested as well.

PO Orlando told § 87(2)(b) and § 87(2)(b) that if § 87(2)(b) turned himself in within an hour, they would be released. PO Orlando also said that they went back to § 87(2)(b) but did not elaborate further.

On February 4, 2014, at approximately 7:30 a.m., § 87(2)(b) was inside of her home sleeping. She was awoken by a knock on her bedroom door. § 87(2)(b) told § 87(2)(b) to open the door. When she did, four plainclothes officers from the warrant squad wearing NYPD jackets came into her bedroom and searched the closet. PO1 was described as a 5'8"-5'9" heavy white male and identified by the investigation as Det. Baco. PO2 was described as a black male in his late 30s or early 40s who had a muscular build and was identified by the investigation as Det. Nelson. PO3 was a Hispanic male in his 30s who was identified by the investigation as PO Gonzalez. § 87(2)(b) was unable to describe PO4.

The officers asked if § 87(2)(b) was home or if she had seen him. § 87(2)(b) said no. § 87(2)(b) observed the officers search all the other bedrooms in the home. § 87(2)(b) and § 87(2)(b) asked Det. Baco and Det. Nelson to see a copy of a warrant. Det. Baco said that the officers did not search the house and said that they were invited into the home. Det. Nelson flatly refused to answer.

Witness: § 87(2)(b)

- § 87(2)(b), § 87(2)(b), is a § 87(2)(b)-old black male who is 5'8" tall, weighs 200 pounds, and has black hair and black eyes.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on February 20, 2014 (encl. 57-61). On January 26, 2014, he was sitting in the living room of the § 87(2)(b) apartment reading his Bible. He is not related to the § 87(2)(b) family and is living with them temporarily while he does a job for them. § 87(2)(b) heard the sound of a bang against the glass of the window at street level. He opened the blinds and saw that there were two uniformed officers banging the back of § 87(2)(b).

§ 87(2)(b)'s arm against the window. § 87(2)(b) was bleeding from his face, and his hands were up near his head to protect himself.

§ 87(2)(b) took approximately three minutes to go upstairs and tell § 87(2)(b) what was happening. § 87(2)(b) immediately went outside. § 87(2)(b) then took about two minutes to go down to the basement level of the § 87(2)(b) apartment and tell § 87(2)(b)'s cousin, § 87(2)(b) about what was happening. § 87(2)(b) immediately went outside, and § 87(2)(b) followed shortly thereafter. When § 87(2)(b) arrived outside the house, § 87(2)(b) was not there. § 87(2)(b) and § 87(2)(b) were in handcuffs. § 87(2)(b) did not see what led up to them being arrested.

§ 87(2)(b) went back inside, and several hours later, § 87(2)(b) returned home from work. Shortly thereafter, about six uniformed male officers knocked on the door to the apartment. § 87(2)(b) was unable to describe any of the officers. § 87(2)(b) answered and asked if the officers had a warrant. The officers said they did not. § 87(2)(b) went outside and returned a short time later, leading the six officers into the apartment.

At that point, three officers searched the bedrooms—looking under beds and in closets, but not opening drawers—and the bathrooms. Three officers remained with § 87(2)(b) who was standing in the kitchen, and § 87(2)(b) who was standing in the living room. There was one black male officer, but § 87(2)(b) did not remember whether he searched the apartment or remained with § 87(2)(b) and § 87(2)(b).

The three officers who searched the bedrooms and bathrooms then went downstairs and looked around the basement portion of the § 87(2)(b) apartment. They wanted to go into the separate basement apartment, which is separated from the § 87(2)(b) living space only by an interior door, which is occupied by § 87(2)(b). § 87(2)(b) yelled at the officers to stay out of her home, so the officers complied with her request and left.

§ 87(2)(b) had no recollection of an incident involving NYPD officers that occurred on February 4, 2014, at approximately 7:30 a.m. He never saw officers at § 87(2)(b) again after January 26, 2014.

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old black female.

Phone Statement

On March 21, 2014, § 87(2)(b) provided a brief phone statement (encl. 62). On January 26, 2014, she was alone inside of her first floor apartment when § 87(2)(b) ran into her apartment bleeding. He informed § 87(2)(b) that he had been beaten up by police officers. § 87(2)(b) did not see § 87(2)(b) again after that. Several minutes later, two officers broke down a door, which was closed and locked, that separated the interior part of the § 87(2)(b) apartment from § 87(2)(b)'s apartment. As a result, the door was broken. The officers asked where § 87(2)(b) was, and § 87(2)(b) said that she did not know. The officers then left the apartment.

At the time of § 87(2)(b)'s phone statement, she agreed to come to the CCRB to provide a statement later that day. However, she did not appear and did not call to cancel or reschedule. Subsequently, the CCRB had four points of contact by telephone with § 87(2)(b). On April 21, 2014, § 87(2)(b) agreed to do an interview in the field, but refused to schedule an appointment.

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old mixed-race female. She is the § 87(2)(b) neighbor, but does not know the family.

Phone Statement

On March 21, 2014, § 87(2)(b) provided a phone statement (encl. 63). On January 26, 2014, she was walking home from a supermarket on Flatlands Avenue, returning to her home at § 87(2)(b) in Brooklyn. While § 87(2)(b) was at the supermarket, she had seen two uniformed officers, both white males wearing uniforms, following a group of youths. There was an odor of marijuana emanating from the youths. § 87(2)(b) could not describe the officers except that one, identified via the investigation as PO Orlando, was taller and heavier than the other, identified via the investigation as PO Mauro. As § 87(2)(b) walked, she observed the group of youths turn into the yard of one of the houses on the same side of the street as § 87(2)(b) § 87(2)(b).

When § 87(2)(b) reached her house, she observed § 87(2)(b) in his car. The officers asked § 87(2)(b) to come out of his yard. § 87(2)(b) asked, "For what?" The officers responded that they wanted to talk to him. The parties engaged in a conversation, but § 87(2)(b) was unable to discern everything that was being said because she was across the street. § 87(2)(b) exited his vehicle and walked around it towards the walkway leading to his apartment. As he did so, the officers pulled § 87(2)(b)'s arm and entered the side yard of the house.

§ 87(2)(b) immediately screamed for help and yanked his arm away. He tried to run away and started to bang his hand near the front window on the first floor. § 87(2)(b) and the officers engaged in a physical struggle in which the officers punched him about the head and body. Eventually, the officers brought § 87(2)(b) to the ground and continued to punch him. § 87(2)(b) attempted to get up. § 87(2)(b) and § 87(2)(b) came outside, and § 87(2)(b) asked what was happening.

During the struggle, PO Mauro slipped on the ice, and § 87(2)(b) successfully fled and ran into the house. He closed the door behind him. § 87(2)(b) asked PO Mauro if he was okay. PO Mauro screamed, "Get the fuck out of my face." Then, in pursuit of § 87(2)(b) PO Mauro pushed § 87(2)(b) to the ground and ran through the side yard. § 87(2)(b) protested this and said that § 87(2)(b) was her mother. As the officers ran towards the side door of the house, PO Mauro fell again, and § 87(2)(b) blocked the officers from entering the house. PO Orlando screamed in her face, "Get the fuck out of my way."

At some point, after a crowd had gathered on the sidewalk in front of § 87(2)(b) § 87(2)(b) did not know anyone in the crowd), PO Orlando stated sarcastically, "You guys are fucking good neighbors." After § 87(2)(b) fled, a large number of additional marked and unmarked vehicles responded to the location. PO Orlando and PO Mauro ran to the side door of the house, pushed it open, and then § 87(2)(b) heard the sounds of items breaking inside the house (from across the street). At that point, § 87(2)(b) went inside of her home.

On the date of her phone statement, § 87(2)(b) stated that she was reluctant to schedule an interview because she was concerned about retaliation. The investigator informed her that retaliation was rare and taken seriously. In sum, the CCRB sent two letters, which were not returned by the US Postal Service, and had eight points of contact by phone with § 87(2)(b). On May 13, 2014, § 87(2)(b) scheduled an interview in the field for May 19, 2014. On May 19, 2014, the investigator left a voicemail § 87(2)(b) to confirm her appointment, but § 87(2)(b) never called the CCRB to confirm. Since that date, § 87(2)(b) has made no attempt to contact the CCRB.

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old black female. She does not know the § 87(2)(b) family.

Phone Statement

On April 21, 2014, § 87(2)(b) provided a brief phone statement (encl. 64). § 87(2)(b) was inside of her apartment on the § 87(2)(b) floor of § 87(2)(b) in Brooklyn when she heard a noise. She went to the balcony and looked down to the driveway to see what was happening. § 87(2)(b) observed two uniformed police officers striking § 87(2)(b) whose name she did not know, with batons. § 87(2)(b) was on the ground, but § 87(2)(b) was unable to tell what he was doing or saying because the door to her apartment remained closed. Later, § 87(2)(b) saw § 87(2)(b) bleeding, but § 87(2)(b) did not recall from what part of his body. § 87(2)(b) then went into her apartment and returned five minutes later. At that point, she saw four police officers searching a vehicle in the driveway (looking into the front and back of the vehicle on the seats and the floor) while § 87(2)(b) stood behind the vehicle in handcuffs.

Results of Fieldwork

On February 19, 2014, Inv. Schiavo and Inv. Paul conducted a field visit to the block where the incident occurred. No one answered the side door at § 87(2)(b). The tenants on the § 87(2)(b) floor claimed to have no knowledge of the incident. The investigators spoke to § 87(2)(b) who said she witnessed the incident. However, she was a minor and a legal guardian was not home. The investigators knocked on several other doors around the block, but no one answered. The CCRB left eight please call letters at the surrounding houses. To date, no one has contacted the CCRB in response to the please call letters.

Attempts to Contact Civilians

Between February 18, 2014, and June 26, 2014, the CCRB had five points of telephone contact and sent two letters to § 87(2)(b). The letters were not returned by the US Postal Service. On March 11, 2014, § 87(2)(b) scheduled an interview for March 12, 2014. On March 12, 2014, § 87(2)(b) did not appear and did not call to cancel or reschedule. He did not respond to any of the CCRB's subsequent contact attempts.

On April 30, 2014, the CCRB contacted § 87(2)(b)'s fiancé, § 87(2)(b) who refused to provide his last name. § 87(2)(b) confirmed that he was present with § 87(2)(b) during the incident, but refused to provide any details or schedule an interview, citing his concern that the investigator worked for the NYPD. Despite the investigator's explanation that the CCRB is separate from the NYPD, § 87(2)(b) still refused to provide a statement.

NYPD Statements:

Subject Officer: PO MATTHEW MAURO

- *PO Mauro of the 69th Precinct is a § 87(2)(b)-old white male who is 5'8" tall, weighs 200 pounds, is bald, and green eyes.*
- *On January 26, 2014, PO Mauro worked with PO Orlando on a foot post between East 82nd Street and East 84th Street on Flatlands Avenue from 3:00 p.m. to 11:35 p.m. They were dressed in uniform.*

Memo Book

According to PO Mauro's memo book, at 5:10 p.m., he observed § 87(2)(b) sitting in a parked car in front of § 87(2)(b) with a strong odor of marijuana coming from the vehicle. While speaking with § 87(2)(b), § 87(2)(b) started to run away from PO Mauro and began resisting arrest. § 87(2)(b) grabbed PO Mauro and pulled him off of § 87(2)(b). § 87(2)(b) then fled into the rear of the location where § 87(2)(b) and § 87(2)(b) blocked PO Mauro from pursuing § 87(2)(b). At 5:32 p.m., § 87(2)(b) and § 87(2)(b) were placed under

arrest (encl. 65-67).

Complaint and Arrest Reports for § 87(2)(b) and § 87(2)(b)

According to complaint reports and arrest reports prepared for the incident, while PO Mauro was attempting to arrest § 87(2)(b) for § 87(2)(b), § 87(2)(b) resisted arrest. § 87(2)(b) grabbed PO Mauro from behind and tried to pull him off § 87(2)(b). She then obstructed PO Mauro from apprehending § 87(2)(b). § 87(2)(b) placed her body between the house and a vehicle in the driveway to block PO Mauro from pursuing § 87(2)(b). § 87(2)(b) refused several requests for her to move and flailed her arms § 87(2)(b) and § 87(2)(b) were both charged with § 87(2)(b) (encl. 68-75).

CCRB Statement

PO Mauro was interviewed at the CCRB on May 28, 2014 (encl. 76-78). On January 26, 2014, at 5:10 p.m., PO Mauro and PO Orlando were walking southbound on § 87(2)(b) in Brooklyn. From about 15 feet away, PO Mauro noticed a strong odor of marijuana emanating from a blue Ford Escape that was parked in the driveway of § 87(2)(b). There was a second vehicle parked in the driveway leading to the side entrance of the house. PO Mauro did not smell marijuana coming from any other part of the block. The windows of the vehicle were slightly rolled down, and § 87(2)(b) was in the driver's seat smoking a white rolled cigarette not in a cylindrical shape that appeared to be a marijuana cigarette.

There was a lot of ice and snow in the front and side driveways. PO Mauro turned to PO Orlando and pointed to § 87(2)(b). When PO Mauro turned back towards § 87(2)(b)'s vehicle, § 87(2)(b) no longer had the cigarette in his hand. PO Mauro and PO Orlando entered the driveway and approached the driver's side of § 87(2)(b)'s vehicle. PO Mauro asked § 87(2)(b) to exit the vehicle and to provide his identification. § 87(2)(b) immediately complied. At that point, the officers had probable cause to arrest § 87(2)(b).

PO Orlando took § 87(2)(b) to the back of the vehicle while PO Mauro searched for the marijuana cigarette in the snow around the exterior of the vehicle and in the front seat, cup holders, and ash trays of the vehicle. PO Mauro was unable to find the marijuana cigarette. He did not know what if any conversation took place between PO Orlando and § 87(2)(b). PO Mauro did not see PO Orlando frisk or search § 87(2)(b).

Less than a minute after PO Mauro started his search, he observed § 87(2)(b) quickly backpedal from the back of the vehicle to the front, leading PO Mauro to believe that he was trying to escape. In the small space between the front of § 87(2)(b)'s vehicle and the front window of the house, PO Orlando grabbed § 87(2)(b) to place him in handcuffs. PO Mauro approached and grabbed § 87(2)(b)'s arm to assist to handcuff him. § 87(2)(b) lifted up his arms and tried to break free from the officers' grip. PO Orlando and § 87(2)(b) held onto each other and slipped on the ice.

PO Mauro did not grab § 87(2)(b) by the front of the throat and push his head into the front of the vehicle, nor did he body slam § 87(2)(b) against the vehicle. Neither PO Mauro nor PO Orlando ever slammed § 87(2)(b)'s head against his vehicle or punched him in the face. § 87(2)(b)'s face was never pinned against the front window of the house. PO Mauro never observed § 87(2)(b) bleeding from his face. PO Mauro and PO Orlando attempted to pick up § 87(2)(b) from the ground, at which point § 87(2)(b) came outside, pulled PO Mauro off of § 87(2)(b) and jumped on PO Mauro's back. This caused PO Mauro to slip and fall on the ice, which he and PO Orlando did multiple times. As a result, PO Orlando dislocated his shoulder.

After § 87(2)(b) jumped on PO Mauro's back, § 87(2)(b) got up off the ground, ran around the front of the staircase, and ran down the side driveway. At that time, PO Mauro still had § 87(2)(b)'s identification. Prior to running away, § 87(2)(b) never held his hands in front of his

body and said “Just lock me up, man. I’m surrendering.” Neither PO Mauro nor PO Orlando said, “I’m gonna kill you” or threaten § 87(2)(b)’s life. PO Mauro got on the radio and requested additional units.

§ 87(2)(b) and § 87(2)(b) ran towards the side entrance to the house behind § 87(2)(b). PO Mauro and PO Orlando gave chase from behind them, but § 87(2)(b) and § 87(2)(b) positioned their bodies so as to block the officers’ path to the side entrance of the house. Neither PO Mauro nor PO Orlando said, “I don’t give a fuck. Fuck that shit. Shut the fuck up,” nor did they say, “Get the fuck out of my face” or “Get the fuck out of my way.” PO Mauro and PO Orlando did not use any profanity.

PO Mauro yelled, “Please move” and pushed past § 87(2)(b) and § 87(2)(b) to get down the side driveway. He did not strike § 87(2)(b) in the back of the head with any part of his body, nor did he observe PO Orlando do so. By that time, the officers did not know where § 87(2)(b) was. Additional officers had responded as backup and placed § 87(2)(b) and § 87(2)(b) in handcuffs as a result of their interference in the arrest.

§ 87(2)(b) was arrested while standing up and no force was used against her. PO Mauro did not recall seeing a crowd of other civilians watching the interaction. PO Mauro did not say to a group of bystanders, “You guys are fucking good neighbors,” nor did he hear any officer do so. PO Mauro left the scene and went to the 69th Precinct stationhouse to process the arrests of § 87(2)(b) and § 87(2)(b). He did not search more thoroughly for the marijuana cigarette or for § 87(2)(b) because he had to process the arrests.

Approximately 30 to 45 minutes later, there was a call of an assault in progress at § 87(2)(b). PO Mauro and PO Orlando responded along with officers whom PO Mauro did not recall (identified via the investigation as Sgt. Devine and PO Yardan). § 87(2)(b) met the officers outside the house and PO Mauro asked if § 87(2)(b) knew the whereabouts of § 87(2)(b). § 87(2)(b) said no because he had just arrived at home.

PO Mauro asked if the officers could come into the house, and § 87(2)(b) assented. The officers stood in the kitchen and explained to § 87(2)(b) that they received a call of an assault in progress. § 87(2)(b) said he had no knowledge of an assault or anyone calling 911. PO Mauro heard no screaming or other indications that an assault was taking place. The officers did not enter any other part of the apartment or search any bedrooms. They did not breach a door leading to another apartment inside of the house.

When § 87(2)(b) and § 87(2)(b) were going to be transported to Central Booking, PO Mauro informed them that if § 87(2)(b) did not turn himself in, there would likely be officers coming to the house to look for him in the near future. Additionally, he informed them that a judge would treat him more leniently if he voluntarily surrendered than if he was arrested on a warrant. PO Mauro made a complaint report for § 87(2)(b) and § 87(2)(b) eventually surrendered approximately a week later.

Subject Officer: PO ROBERT ORLANDO

- PO Orlando of the 69th Precinct is a § 87(2)(b)-old white male who is 6’1” tall, weighs 225 pounds, and has black hair and brown eyes.
- On January 26, 2014, PO Orlando worked with PO Mauro from 3:00 p.m. to 11:35 p.m. They were dressed in uniform and were assigned to a foot post on East 82nd and East 83rd Street.

Memo Book

According to PO Orlando’s memo book, at 5:10 p.m., he observed § 87(2)(b) smoking marijuana in front of § 87(2)(b). The perpetrator resisted arrest and fought with the officers. He was aided by his sister § 87(2)(b) and his mother § 87(2)(b). At 5:35 p.m.,

PO Mauro made two arrests. At 8:00 p.m., a complaint report was generated for § 87(2)(b) for § 87(2)(b). PO Orlando dislocated his shoulder as a result of § 87(2)(b) resisting arrest (encl. 79-81).

Complaint Report for § 87(2)(b)

According to the complaint report for § 87(2)(b) § 87(2)(b) was observed in open view with burning marijuana. PO Orlando attempted to place § 87(2)(b) under arrest, at which point § 87(2)(b) flailed his arms and pushed PO Orlando, refusing to be handcuffed. § 87(2)(b) stated, “I can’t get in trouble for this” and “Man, I need Mom.” No marijuana was recovered. While attempting to place § 87(2)(b) under arrest, PO Orlando dislocated his right shoulder. § 87(2)(b) fled on foot and was not apprehended (encl. 82-84).

Line of Duty Paperwork

According to the line of duty paperwork, while PO Orlando was attempting to make a lawful arrest, § 87(2)(b) flailed his arms and pushed violently to avoid being handcuffed. While attempting to subdue § 87(2)(b) PO Orlando’s shoulder was dislocated. That gave § 87(2)(b) the opportunity to flee on foot. PO Orlando was able to put his shoulder back into place without medical attention (encl. 149-154).

CCRB Statement

PO Orlando was interviewed at the CCRB on June 5, 2014 (encl. 85-87). § 87(2)(g) PO Orlando noticed that there was smoke coming out from the driver’s side window of § 87(2)(b)’s vehicle. When § 87(2)(b) exited the vehicle, he no longer had the marijuana cigarette on him. PO Orlando did not see what § 87(2)(b) did with the cigarette. PO Orlando did not see PO Mauro enter § 87(2)(b)’s vehicle, but did see him look inside of the vehicle in search of the cigarette.

At the back of the vehicle, PO Orlando requested § 87(2)(b)’s identification. § 87(2)(b) complied, but PO Orlando did not recall whether he did so immediately. PO Orlando did not write down § 87(2)(b)’s information, but recognized him because he had arrested him before. PO Orlando did not remember whether he frisked or searched § 87(2)(b) at the back of the vehicle. § 87(2)(b) told PO Orlando, “I can’t go down for this” and started to walk away. PO Orlando did not make any contact with him before he started to walk away.

PO Orlando grabbed the front of § 87(2)(b)’s jacket and said he could not leave. He did not grab § 87(2)(b) by the front of the throat or otherwise restrict his breathing. § 87(2)(b) violently moved his arms and pushed PO Orlando off of him in order to escape. PO Orlando maintained contact with him, and § 87(2)(b) continued to flail his arms and try to run away. PO Mauro approached to assist PO Orlando. During the struggle, all three fell to the ground near the front bumper of the vehicle.

Neither PO Orlando nor PO Mauro slammed § 87(2)(b)’s head against the vehicle or the window of the house, nor did they punch him in the face. Neither PO Orlando nor PO Mauro told § 87(2)(b) “I’m gonna kill you” or punch § 87(2)(b). PO Orlando did not recall a crowd of neighbors gathering. Neither he nor PO Mauro said, “You guys are fucking good neighbors.” After § 87(2)(b) got up and ran towards the side driveway, PO Orlando grabbed his jacket to prevent his escape. § 87(2)(b) pushed PO Orlando off again, causing PO Orlando’s shoulder to dislocate. PO Orlando called for backup and popped his shoulder back into place.

PO Orlando did not tell § 87(2)(b) “I don’t give a fuck. Fuck that shit. Shut the fuck up,” nor did he hear PO Mauro say that. Neither PO Orlando nor PO Mauro said, “Get the fuck out of my face” or “Get the fuck out of my way.” They did not use any profanity during the incident. Neither PO Orlando nor PO Mauro pushed § 87(2)(b) to the ground. PO Orlando

wedged his body past § 87(2)(b) but did not push her. He did not strike § 87(2)(b) anywhere on the body with an arm or object.

About 10 to 15 minutes later, § 87(2)(b) called for an ambulance at § 87(2)(b). PO Orlando and additional officers whom PO Orlando did not recall (identified via the investigation as Sgt. Devine and PO Yardan) went back to the location to arrest § 87(2)(b). PO Orlando knocked on the door and § 87(2)(b) answered. He invited the officers into the house. There was another male, known to the CCRB as § 87(2)(b) sitting on a couch inside of the house. PO Orlando asked if § 87(2)(b) was home, and § 87(2)(b) said no. He asked who called for the ambulance, and § 87(2)(b) said he did not know.

PO Orlando did not enter any other part of the house other than the kitchen near the entrance door. He did not search anywhere in the house such as a bedroom or a closet for § 87(2)(b) and did not breach the door to a back apartment. PO Orlando did not breach the door to a back apartment inside of the house, nor did he observe any officer do so. None of the officers searched anywhere in the house.

Subject Officer: SGT. KEVIN DEVINE

- *Sgt. Devine of the 69th Precinct is a § 87(2)(b)-old white male who is 5'11" tall, weighs 200 pounds, and has brown hair and blue eyes.*
- *On January 26, 2014, Sgt. Devine worked as the Impact sergeant with PO Yardan from 2:50 p.m. to 11:47 p.m. They were dressed in uniform and were assigned to a black Impala.*

Memo Book

According to Sgt. Devine's memo book, at 5:30 p.m., there was a call for assistance at § 87(2)(b). At 5:32 p.m., there were two arrests at the location. At 6:20 p.m., there was a call of an assault in progress at § 87(2)(b). At 6:50 p.m., Sgt. Devine marked the assault as unfounded and called IAB (encl. 99-100).

CCRB Statement

Sgt. Devine was interviewed at the CCRB on June 27, 2014 (encl. 101-102). When Sgt. Devine arrived at the location following the call for assistance, there were more than six officers already at the scene. Sgt. Devine did not remember who any of them were. He did not remember a crowd gathered around the location. Sgt. Devine walked down the side driveway and went to the rear yard of the house. PO Orlando was lying on the ground, and PO Mauro was speaking with two females, known to the CCRB as § 87(2)(b) and § 87(2)(b). They were both loud and excited as they spoke, and were not in handcuffs.

PO Orlando informed Sgt. Devine about what had happened leading up to Sgt. Devine's arrival. He did not mention using any force against § 87(2)(b). After hearing the narrative, Sgt. Devine directed PO Mauro to place § 87(2)(b) and § 87(2)(b) under arrest for § 87(2)(b). The officers arrested them and transported them to the 69th Precinct stationhouse for arrest processing. They then made a complaint report for § 87(2)(b).

At 6:20 p.m., there was a radio run about a male caller reporting an assault in progress at § 87(2)(b). Sgt. Devine did not remember whether there was any more information, such as descriptions of the victim and perpetrator. Sgt. Devine responded to the scene because he recognized the address. He instructed PO Mauro and PO Orlando to accompany him and PO Yardan. They were the only four officers to respond. EMS was already there when the officers arrived. Sgt. Devine spoke to a male who identified himself as § 87(2)(b)'s father, who is known to the CCRB as § 87(2)(b) in the side driveway. Sgt. Devine explained why the officers were there and asked if they could come inside the house.

§ 87(2)(b) assented and let them in the house. Inside the house, there were two other males in the living room, which is adjacent to the kitchen. Sgt. Devine did not remember whether any officer spoke to the other two males. All four officers remained in the kitchen. They did not enter or search any other part of the house. No officer breached the door of a back apartment. PO Orlando and PO Mauro did not recognize any of the three males as § 87(2)(b). The officers asked where § 87(2)(b) was, and § 87(2)(b) said he did not know.

Subject Officer: PO NICKLAS YARDAN

- *PO Yardan of the 69th Precinct is a § 87(2)(b)-old black male who is 5'10" tall, weighs 205 pounds, and has black hair and brown eyes.*
- *On January 26, 2014, PO Yardan worked as Sgt. Devine's operator from 3:00 p.m. to 11:35 p.m. They were dressed in uniform and were assigned to patrol in an unmarked black vehicle.*

Memo Book

PO Yardan did not have any memo book entries about the incident (encl. 126-127).

CCRB Statement

PO Yardan was interviewed at the CCRB on July 18, 2014 (encl. 128-129). PO Yardan had no independent recollection of the incident. After hearing a brief description of the incident, PO Yardan could only remember driving Sgt. Devine to the incident location. PO Yardan did not recognize color photographs of § 87(2)(b) or § 87(2)(b).

After hearing that there was a radio run of an assault at § 87(2)(b), § 87(2)(b), PO Yardan recalled responding to the location. He believed that he went into the house with Sgt. Devine. PO Yardan did not recall whether PO Orlando and PO Mauro were with them. He was unable to recall any further details about what happened when they responded. PO Yardan did not remember how he and Sgt. Devine gained entry into the house and did not recall there being any problem. He later clarified that he may have remained in the vehicle during the job.

PO Yardan did not remember discussing that a defendant was wanted for escaping police custody. He did not recognize photographs of § 87(2)(b) or § 87(2)(b). PO Yardan denied searching anywhere in the residence or seeing any officer do so. He did not breach the door to a back apartment or see any officer do so.

Witness Officer: PO ANTHONY JELCIC

- *PO Jelcic of the 69th Precinct is a § 87(2)(b)-old white male who is 5'11" tall, weighs 195 pounds, and has brown hair and brown eyes.*
- *On January 26, 2014, PO Jelcic worked from 3:00 p.m. to 11:35 p.m. on a solo foot post on Flatlands Avenue between East 80th and East 84th Street. He was dressed in uniform.*

Memo Book

PO Jelcic did not have any memo book entries about the incident (encl. 103-104).

CCRB Statement

PO Jelcic was interviewed at the CCRB on June 27, 2014 (encl. 105-106). Twenty to thirty seconds after the call for assistance, PO Jelcic arrived at the location. Two females, known to the CCRB as § 87(2)(b) and § 87(2)(b) were screaming in the driveway, but they were not in handcuffs. There were multiple officers at the location, including Sgt. Devine and PO Yardan. PO Jelcic did not remember whether there was a crowd gathered around the block. He did not speak to anyone or take any police action. PO Jelcic walked halfway down the side

driveway and remained at the scene for less than a minute before returning to his post.

Witness Officer: PO DAVID RAMOS

- *PO Ramos of the 69th Precinct is a § 87(2)(b)-old Hispanic male who is 5'10" tall, weighs 190 pounds, and has black hair and brown eyes.*
- *On January 26, 2014, PO Ramos worked from 3:00 p.m. to 11:35 p.m. with PO Goldin. They were dressed in uniform and were assigned to Sector C in marked RMP #3545.*

Memo Book

PO Ramos did not make any memo book entries about the incident (encl. 88-90).

CCRB Statement

PO Ramos was interviewed at the CCRB on June 9, 2014 (encl. 91-92). He and PO Goldin responded to a call for assistance at § 87(2)(b) [REDACTED] [REDACTED]. They arrived a few minutes after the call for assistance was transmitted. PO Ramos acknowledged that a younger female and an older female, known to the CCRB as § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] were in handcuffs. The situation was calm. There were numerous additional officers at the scene already.

PO Ramos and PO Goldin asked PO Mauro and PO Orlando if everything was alright, and they said that everything was under control. PO Orlando had an injury to his shoulder, however. PO Ramos and PO Goldin remained at the scene for about five minutes, but did not take any police action. After that, they resumed patrol.

Witness Officer: PO STEVEN GOLDIN

- *PO Goldin of the 69th Precinct is a § 87(2)(b)-old white male who is 5'10" tall, weighs 225 pounds, and has light brown hair and hazel eyes.*
- *On January 26, 2014, PO Goldin worked with PO Ramos from 3:00 p.m. to 11:35 p.m. They were dressed in uniform and were assigned to Sector C in marked RMP #3545.*

Memo Book

PO Goldin did not have any memo book entries about the incident (encl. 93-96).

CCRB Statement

PO Goldin was interviewed at the CCRB on June 9, 2014 (encl. 97-98). His statement was consistent with PO Ramos'.

Subject Officer: DET. CRAIG BACO

- *Det. Baco of the Warrant Section is a § 87(2)(b)-old Hispanic male who is 5'9" tall, weighs 205 pounds, is bald, and has brown eyes.*
- *On February 4, 2014, Det. Baco worked from 4:27 a.m. to 1:00 p.m. with Det. Nelson, PO Gonzalez, and Sgt. Campbell. They were in plainclothes and were assigned to warrant enforcement in an unmarked vehicle.*

Memo Book

According to Det. Baco's memo book, at 7:20 a.m., he arrived at § 87(2)(b) [REDACTED] [REDACTED] and at 7:30 a.m., he left the location (encl. 107-109).

CCRB Statement

Det. Baco was interviewed at the CCRB on March 20, 2014 (encl. 110-111). On February 4, 2014, at 7:20 a.m., Det. Baco and Det. Nelson met PO Gonzalez and Sgt. Campbell at § 87(2)(b) [REDACTED] [REDACTED] in Brooklyn regarding an I-card that Det. Nelson had for an individual,

known to the CCRB as § 87(2)(b) in regards to an assault of a police officer. Det. Nelson showed Det. Baco a photo of § 87(2)(b) prior to their arrival.

Det. Nelson knocked on the side door of the house closest to the street. He and Det. Baco stood side by side. Det. Baco did not remember where Sgt. Campbell and PO Gonzalez were. A male who identified himself as the subject's uncle, known to the CCRB as § 87(2)(b) answered the door. The detectives identified themselves as police officers and said they were conducting an investigation. It was an extremely cold day and § 87(2)(b) was barefoot. § 87(2)(b) said, "Come inside," and stepped aside to allow the officers to enter. He never stated that he did not want the officers to enter.

Det. Baco and Det. Nelson stepped into the entryway near the door, but Det. Baco did not remember whether the other two officers joined them. At first, Det. Baco stated that § 87(2)(b) closed the door. Later, after seeing a brief video, Det. Baco stated that the door remained open. The officers told § 87(2)(b) that they were looking for § 87(2)(b) and § 87(2)(b) said that § 87(2)(b) was not present.

At that point, § 87(2)(b)'s parents, known to the CCRB as § 87(2)(b) and § 87(2)(b) came out from somewhere else in the apartment. Both of them were irate that the officers were inside of the apartment talking with § 87(2)(b). Det. Nelson said that he needed to speak to § 87(2)(b) but did not have any business cards with him. Det. Baco gave his business card to § 87(2)(b) and told § 87(2)(b) to call when he returned home. The officers then left the house.

Det. Baco never stepped further into the apartment than the entryway. He did not enter a bedroom, search the apartment, or observe any officer do so. Det. Baco never knocked on another door on the side of the house or attempted to gain entry to a basement apartment.

Subject Officer: DET. MACKENSON NELSON

- *Det. Nelson of the Warrant Section is a § 87(2)(b)-old black male who is 5'11" tall, weighs 200 pounds, and has black hair and brown eyes.*
- *On February 4, 2014, Det. Nelson worked from 4:27 a.m. to 1:00 p.m. with Det. Baco, PO Gonzalez, and Sgt. Campbell. They were in plainclothes and were assigned to warrant enforcement in an unmarked vehicle.*

Memo Book

According to Det. Nelson's memo book, at 7:20 a.m., he arrived at § 87(2)(b) in regards to I #§ 87(2)(b) and at 7:30 a.m., he left the location (encl. 112-114).

CCRB Statement

Det. Nelson was interviewed at the CCRB on March 20, 2014 (encl. 115-116). § 87(2)(g) Det. Nelson explained that an I-card provides probable cause to make an arrest and transport a subject to a stationhouse. Det. Nelson, Det. Baco, and PO Gonzalez arrived at the location in a vehicle and met Sgt. Campbell there.

Det. Nelson did not remember whether Sgt. Campbell and PO Gonzalez entered the apartment with him and Det. Baco. § 87(2)(b) never objected to the officers entering the house. Det. Nelson never knocked on the other side door leading to the basement apartment or attempted to gain entry into the basement apartment. Det. Nelson never left the area immediately near the door. He never entered a bedroom or searched the apartment, nor did he observe any of his partners do so.

Witness Officer: SGT. SEAN CAMPBELL

- *Sgt. Campbell of the Warrant Section is a § 87(2)(b) -old white male who is 6'3" tall, weighs 300 pounds, is bald, and has blue eyes.*
- *On February 4, 2014, Sgt. Campbell worked with PO Piccione and PO Kyrkos from 4:15 a.m. to 12:50 p.m. They were in plainclothes and assigned to warrant enforcement in an unmarked van.*

Memo Book

According to Sgt. Campbell's memo book, at 7:10 a.m., he was en route to § 87(2)(b) to back Det. Nelson in regards to I-card #§ 87(2)(b). At 7:15 a.m., he arrived at the location, and at 7:40 a.m., he resumed patrol (encl. 117-119).

CCRB Statement

Sgt. Campbell was interviewed at the CCRB on April 1, 2014 (encl. 120-121). He responded to the location and sent PO Piccione and PO Kyrkos to the rear of the house. Sgt. Campbell remained just inside the gate leading to the side entrance of the house to provide security in case a perpetrator fled from the front of the house. Det. Nelson and Det. Baco approached the side door leading to the § 87(2)(b) apartment. PO Gonzalez was on a stoop on the side driveway of the house.

Sgt. Campbell heard a male voice come to the door, but did not see § 87(2)(b). Sgt. Campbell did not hear the conversation between the detectives and § 87(2)(b). Five to ten seconds later, § 87(2)(b) granted the officers entry into the house, and Det. Nelson and Det. Baco walked inside. Sgt. Campbell walked further down the side driveway, but never got on the stoop or went inside of the house.

Sgt. Campbell did not hear any conversation that took place inside of the house. He did not see Det. Baco or Det. Nelson go further into the house than the doorway, and did not see them search any area of the house. Det. Nelson and Det. Baco left the house after about 30 seconds and later told Sgt. Campbell that they left a business card asking the subject to call them.

Subject Officer: PO EFRAIN GONZALEZ

- *PO Gonzalez of the Warrant Section is a § 87(2)(b) -old Hispanic male who is 5'9" tall, weighs 190 pounds, and has brown hair and brown eyes.*
- *On February 4, 2014, PO Gonzalez worked from 4:27 a.m. to 1:00 p.m. with Det. Nelson and Det. Baco. They were in plainclothes and were assigned to warrant enforcement in an unmarked vehicle.*

Memo Book

PO Gonzalez did not make a memo book entry about this incident (encl. 122-123).

CCRB Statement

PO Gonzalez was interviewed at the CCRB on April 1, 2014 (encl. 124-125). He went to the side door of the house with Det. Nelson and Det. Baco. After § 87(2)(b) opened the door, he invited the officers inside because it was cold outside, and they walked through the door. § 87(2)(b) did not verbally protest the entry or attempt to physically stop the officers from entering. Det. Nelson spoke to § 87(2)(b) about the investigation for five to ten minutes. PO Gonzalez did not remember the contents of the conversation.

PO Gonzalez did not remember any family members who emerged from other areas of the house becoming irate about the officers' presence inside of the home. Det. Nelson

determined that § 87(2)(b) was not present following the questioning, and the officers left. PO Gonzalez did not go into any other area of the house, and did not recall whether Det. Baco or Det. Nelson did so. He did not observe Det. Baco or Det. Nelson go into a bedroom or search anywhere in the house.

Medical Records

On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) for treatment (see medical records folder). Tests of the areas of § 87(2)(b)'s body of which he complained of pain revealed no fractures or dislocations. Medical personnel made a diagnosis of a contusion to multiple sites pursuant to an assault by other specified means. § 87(2)(b) was prescribed Acetaminophen and Cyclobenzaprine HCL.

On § 87(2)(b), § 87(2)(b) returned to § 87(2)(b). He was advised to follow up with a neurology clinic for his worsened headache. A CT scan of § 87(2)(b)'s head and X-rays to his chest and right ribs revealed no fractures or dislocations. Medical personnel again diagnosed a contusion of multiple sites pursuant to an assault by other specified means.

NYPD Documents

911 Call

A female, who did not identify herself but is known to the CCRB as § 87(2)(b), called 911 to report that two uniformed officers were assaulting a male, known to the CCRB as § 87(2)(b). § 87(2)(b), § 87(2)(f) An older female, known to the CCRB as § 87(2)(b), asked an officer if he was alright because he had been trying to punch § 87(2)(b) before § 87(2)(b) ran away. The officer told her, "Get the fuck away from me. Get the fuck out of my face." The officers also pushed the § 87(2)(b) to the ground and were trying to get towards her house.

Radio Communications

According to the police radio communications, a unit requested assistance, and approximately a minute later, the Impact sergeant (Sgt. Devine) arrived at the location. Several seconds after that, Sector C (PO Ramos and PO Goldin) arrived. Nine seconds later, there was a transmission that no further units were necessary. Approximately three minutes later, the dispatcher reported that there was a call of an assault in progress. Shortly thereafter, Sgt. Devine stated that it was not the same job.

Other Evidence

Video

§ 87(2)(b) provided a 23-second video that she took on February 4, 2014 (attached to IA #13). In the video, Det. Baco and Det. Nelson stood with a third officer near the apartment door inside of the kitchen at § 87(2)(b). § 87(2)(b) complained that the detectives were searching her house. Det. Nelson responded that the officers were not searching the house and had been let inside. An unidentified voice responded, "No one allowed you." Det. Nelson stated, "You opened the door, you said to come in." The voice replied, "Nobody said, 'Come in.'"

Arrests for Incident and Dispositions

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b) claiming injuries to his head, neck, back, face, jaw, teeth, mouth, right shoulder, right arm, right wrist, right hand, right ribs, left knee, and other physical injuries; and psychological injuries, and seeking \$5,000,000 as redress (encl. 173-175).

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 14).

Subject Officers' CCRB Histories

- PO Orlando has been a member of the service for eight years and there is one substantiated CCRB allegation against him (encl. 4-5):
 - In CCRB #201107194, the Board substantiated an allegation of Abuse – Premises entered and/or searched. No penalty was imposed because the statute of limitations had expired.
- PO Mauro has been a member of the service for four years and there are no substantiated CCRB allegations against him. This is the second complaint in which he has been a subject (encl. 6).
- Sgt. Devine has been a member of the service for 14 years and there are no substantiated CCRB allegations against him. This is the tenth complaint in which he has been a subject (encl. 7-8).
- PO Yardan has been a member of the service for six years and there are no substantiated CCRB allegations against him. This is the eighth complaint in which he has been a subject (encl. 9-10).
- Det. Baco has been a member of the service for 11 years and there are no substantiated CCRB allegations against him. This is one of four complaints in which he has been a subject (encl. 11).
- Det. Nelson has been a member of the service for seven years and there are no substantiated CCRB allegations against him. This is the fourth complaint in which he has been a subject (encl. 12).
- PO Gonzalez has been a member of the service for 12 years and there are no substantiated CCRB allegations against him. This is one of five complaints in which he has been a subject (encl. 13).

Conclusion

Identification of Subject Officers

§ 87(2)(b) described one of the officers with whom he interacted as a white male in his early 30s who was 6'0" tall and had an average build. He described the other officer as a white male in his early 30s who was 5'7"-5'8" tall, had a heavy build, and was bald. PO Mauro is a § 87(2)(b) -year-old white male who is 5'8" tall, weighs 200 pounds, and is bald. PO Orlando is a § 87(2)(b) -old white male who is 6'1" tall, weighs 225 pounds, and has black hair. The officers' statements were consistent with each other in that PO Orlando brought § 87(2)(b) to the back of § 87(2)(b)'s vehicle while PO Mauro searched the vehicle. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Three officers were visible in the video § 87(2)(b) provided from February 4, 2014. § 87(2)(b) also stated that the three officers were a white male, a black male, and a Hispanic male. § 87(2)(g)

Allegation Not Pleaded

§ 87(2)(b) and § 87(2)(b) both testified that officers used profanity towards § 87(2)(b) at various points during the incident. However, § 87(2)(b) did not allege that an officer used any profanity towards her. Additionally, § 87(2)(b) stated that an officer told a group of bystanders, “You guys are fucking good neighbors.” However, § 87(2)(b) did not provide an official, sworn statement. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: On January 26, 2014, PO Robert Orlando stopped § 87(2)(b)

Allegation B – Abuse of Authority: On January 26, 2014, PO Matthew Mauro stopped § 87(2)(b)

Allegation C – Abuse of Authority: On January 26, 2014, PO Robert Orlando frisked § 87(2)(b)

Allegation D – Abuse of Authority: On January 26, 2014, PO Robert Orlando searched § 87(2)(b)

According to § 87(2)(b) he was cleaning out his personal vehicle, which was parked in the driveway of his home, when PO Orlando and PO Mauro stopped him and accused him of smoking marijuana. Following the stop, PO Orlando allegedly frisked and searched § 87(2)(b). According to PO Orlando and PO Mauro, they were patrolling on foot when they observed § 87(2)(b) smoking a lit marijuana cigarette while sitting in the driver’s seat of his parked vehicle. PO Orlando testified that he did not get the chance to frisk or search § 87(2)(b) and PO Mauro did not see whether PO Orlando frisked or searched § 87(2)(b). None of the witnesses saw what happened prior to § 87(2)(b)’s attempts to escape.

§ 87(2)(g)

Allegation E – Abuse of Authority: On January 26, 2014, PO Matthew Mauro searched the car in which § 87(2)(b) was an occupant.

It is undisputed that PO Mauro searched § 87(2)(b)’s vehicle. § 87(2)(b) contended that his vehicle was searched without probable cause. PO Mauro and PO Orlando both testified that they

observed § 87(2)(b) smoking a lit marijuana cigarette in the vehicle. As noted above, PO Mauro did not more thoroughly search for the marijuana cigarette after § 87(2)(b) escaped and his mother and sister were arrested.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation F – Force: On January 26, 2014, PO Robert Orlando used a chokehold against

§ 87(2)(b)

Allegation G – Force: On January 26, 2014, PO Robert Orlando used physical force against

§ 87(2)(b)

Allegation H – Force: On January 26, 2014, PO Matthew Mauro used physical force against

§ 87(2)(b) and § 87(2)(b)

According to § 87(2)(b) after PO Orlando asked him if he was a “smartass,” PO Orlando grabbed § 87(2)(b) by the front of the throat and pushed his head backwards, causing his upper back and neck to hit the back windshield of § 87(2)(b)'s vehicle. PO Mauro picked up § 87(2)(b) by the back of his coat and body slammed him against his vehicle, causing his face to hit the car. PO Orlando also allegedly punched § 87(2)(b) in the lip and both officers punched him in the jaw. § 87(2)(b) also stated that PO Mauro shoved § 87(2)(b) but § 87(2)(b) did not fall down as a result.

§ 87(2)(b) stated that PO Mauro slammed § 87(2)(b)'s head against the vehicle that was parked in the driveway as § 87(2)(b) attempted to break free and escape. She did not state whether PO Orlando also placed his hand near § 87(2)(b)'s throat. As § 87(2)(b) escaped, an officer whom § 87(2)(b) could not see struck her once in the head from behind and twice in the upper back. She did not fall down as a result. § 87(2)(b) testified that she was able to hear the sound of § 87(2)(b)'s head making contact with the vehicle, but only witnessed § 87(2)(b) successfully escaping the officers' grip. She also stated that PO Orlando and PO Mauro pushed § 87(2)(b) in the head in an attempt to gain access to the backyard as § 87(2)(b) fled.

§ 87(2)(b) § 87(2)(g) testified to witnessing a physical struggle in which PO Mauro and PO Orlando punched § 87(2)(b) multiple times about the head and body before and after § 87(2)(b) was on the ground. § 87(2)(b) did not state whether she observed PO Orlando place his hand on the front of § 87(2)(b)'s throat. § 87(2)(b) also stated that PO Mauro pushed § 87(2)(b) to the ground as he pursued § 87(2)(b)

§ 87(2)(b) a § 87(2)(b)-old neighbor who lives upstairs in the same building, stated that the officers struck § 87(2)(b) about the body with batons.

PO Orlando and PO Mauro stated that § 87(2)(b) said that he would not be arrested and then started to walk away. As PO Orlando and PO Mauro grabbed him to prevent his escape, § 87(2)(b) violently struggled to get away and then successfully did so. Both officers denied kicking, punching, and otherwise striking § 87(2)(b). Neither officer testified that PO Orlando placed his hand on the front of § 87(2)(b)'s throat. PO Mauro acknowledged pushing § 87(2)(b) while PO Orlando testified that he did not witness PO Mauro do so.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g)

Allegation I – Abuse of Authority: On January 26, 2014, PO Robert Orlando threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that immediately before he fled, PO Orlando told him, “I’m gonna kill you.” None of the other civilians testified that they heard this remark. PO Orlando denied making this threat and PO Mauro stated that he did not hear PO Orlando make the threat. § 87(2)(b)

Allegation J – Abuse of Authority: On January 26, 2014, Sgt. Kevin Devine authorized the entry and search of § 87(2)(b) in Brooklyn.

According to § 87(2)(b) he answered a knock at his door after he returned home from work on January 26, 2014, and at that point, about 11 officers immediately entered without asking permission to do so. § 87(2)(b) and § 87(2)(b) all stated that officers breached the door to an interior door leading to § 87(2)(b)'s apartment. § 87(2)(b) stated that § 87(2)(b) led approximately six officers into the house voluntarily. However, as noted below, § 87(2)(b)'s testimony is not reliable, as he stated that he was not familiar with the incident that occurred on February 4, 2014, despite the testimony of multiple other civilians and officers who placed him there.

PO Mauro and Sgt. Devine stated that the officers asked § 87(2)(b) to enter the house, and § 87(2)(b) assented. PO Orlando testified that after the officers knocked on the door, § 87(2)(b) opened the door and then invited the officers into the house. PO Yordan did not remember the details of the incident.

§ 87(2)(g)

Allegation K – Abuse of Authority: On February 4, 2014, Det. Craig Baco entered and searched § 87(2)(b) in Brooklyn.

Allegation L – Abuse of Authority: On February 4, 2014, Det. Mackenson Nelson entered and searched § 87(2)(b) in Brooklyn.

Allegation M – Abuse of Authority: On February 4, 2014, PO Efrain Gonzalez entered and searched § 87(2)(b) in Brooklyn.

§ 87(2)(b) and § 87(2)(b) testified that on February 4, 2014, they were awoken by officers knocking at their respective bedroom doors. § 87(2)(b) later learned that § 87(2)(b) had allowed them into the house. § 87(2)(b) testified that after there was a knock at the apartment door, § 87(2)(b) opened the door and the officers immediately forced their way into the apartment. § 87(2)(b) and § 87(2)(b) all stated that the officers searched various areas of the apartment. § 87(2)(b) claimed to have no memory of the incident.

Det. Baco, Det. Nelson, and PO Gonzalez testified that when they knocked on the door, § 87(2)(b) answered and invited the officers to stand inside. In the video that § 87(2)(b) provided, the three officers stood inside the kitchen near the apartment door. An unidentified civilian stated that they searched and were not given permission to enter. The officers all denied that they searched the apartment. § 87(2)(g)

§ 87(4-b), § 87(2)(g)

[REDACTED]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date